



Kalamazoo River
Protection Association

Environmental activism since 1975
Protecting the Kalamazoo River Watershed and the Great Lakes

EPA Region 5 Records Ctr.



295231

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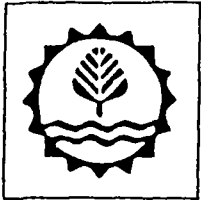
February 28, 2001

Mr. Brian von Gunten
Superfund Section, ERD
Michigan Department of Environmental Quality
P.O. Box 30426
Lansing, Michigan 48909-7926

RE: Additional Comments on the Draft Remedial Investigation/ Feasibility Study (RI/FS) dated October 2000 for the Allied Paper, Inc./Portage Creek/Kalamazoo River

Dear Mr. von Gunten:

The Kalamazoo River Protection Association (KRPA) wants to thank the Michigan Department of Environmental Quality (MDEQ) for the opportunity to comment on the draft Remedial Investigation/Feasibility Study (RI/FS) for the Allied Paper, Inc./Portage Creek/Kalamazoo River Superfund site (site). As you are well aware, the RI/FS document is a very critical document in the Superfund process. So it is imperative that the RI/FS be as objective, technically accurate and complete as possible. Our goal for submitting these comments is to support and assist the MDEQ in producing such an RI/FS. We are requesting that these comments be entered into the Administrative Record as our response and strong objection to the RI/FS and the Liable Parties preferred remedy that is now out for "Public Comment". We also request that a detailed response to all of our comments be provided within 30-days. If the MDEQ agrees with the comment simply indicate this next to the comment number. However, if the MDEQ does not agree with the comment please provide a detailed explanation explaining the basis for this disagreement. Your response to our comments will help us in our continuing efforts to monitor the site and assist the MDEQ in moving the site forward.



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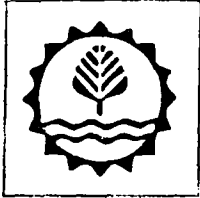
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The Liable Parties for this site are Georgia Pacific Corporation, Fort James Paper Company, Plainwell Inc., and Allied Paper, Inc./Millennium Holdings, Inc. They have known that a cleanup of the site was needed since 1957 and they could have conducted the cleanup at any time but they refused to take any action. Their refusal to cleanup the site is the only reason the site was listed on the National Priorities List of the Superfund program. So it should come as no surprise that they are doing everything in their power to stop the cleanup of this site and that includes submitting an RI/FS that they knew had no chance of being approved. This is a delay tactic that they have used time and time again on this site.

Under the Administrative Order by Consent (AOC) the Liable Parties have been given the privilege of preparing the RI/FS for this site. They submitted their RI/FS to the MDEQ in October 2001. According to our information the MDEQ has received hundreds of letters (approximately 400) expressing the public's outraged at the content of the RI/FS, the Liable Parties proposed remedy and the continued delay in the cleanup of this site. The Board of Commissioners sent these letters to the MDEQ from almost every city, township, and county along the site. Letters were also sent by hundreds of citizens, and numerous environmental and conservation groups. These letters represent the desire of hundreds of thousands of citizens who are demanding that the MDEQ takeover the writing of the RI/FS and the site from the Liable Parties so that the cleanup of the site can begin immediately.

The KRPA has expressed our concerns, to the MDEQ, regarding the very slow progress on the site for many years. However, with the removal of the former Project Manager, Mr. Scott Cornelius, from the site there is now a complete absence of progress. In order to determine why the cleanup of this Superfund site has been delayed for over 10 years, while other sites around Michigan and the nation have been cleaned up, we have reviewed the site file, known as the Administrative Record. The Administrative Record confirms that the site cleanup is being delayed by the actions of the Liable Parties. When the MDEQ is writing the documents, such as the Technical Memorandum on collection of the mink and muskrats, the Long-term monitoring plan, the Human Health and Ecological Risk Assessments, the documents are produced in a timely manner. However when the Liable Parties are in-charge of writing the documents they do not reach the final stage. A good example of this is the outstanding Technical Memoranda 10, 11, 12, 14 and 16, that were all due 5 to 7 years ago.



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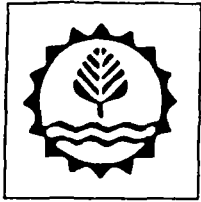
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Our extensive review has confirmed that the Liable Parties have deliberately produced an RI/FS that is incomplete, technically inaccurate, and which does not represent an accurate account of the risk at the site as a means to stop the cleanup of the site. In the Administrative Record it is clearly documented that:

1. Prior to writing the RI/FS the Liable Parties knew that their proposed natural attenuation remedy was not acceptable because it was not protective of human health and the environment or meet the ARARs. The Administrative Record documents that during numerous meeting, including the one held on March 25, 1999, the Michigan Department of Environmental Quality (MDEQ) and the Michigan Department of Natural Resources (MDNR) informed the Liable Parties of this fact. See attached letters dated September 14, 1999 and February 14, 2000 that recap this meeting.
2. Prior to writing the RI/FS the Liable Parties knew that it was incorrect to make the assumption, in the FS, that the Plainwell, Otsego and Trowbridge dams will be maintained in-place. Their proposed remedy is totally dependent on these three dams remaining in-place for perpetuity. The Administrative Record also clearly indicates that the MDNR and MDEQ had informed the Liable Parties that the short-term plan for all three dams are to remove them. This information was provided at numerous meetings, including the one on March 25, 1999. These dams must be removed because they are extremely unstable and will eventually fail, are a liability, cost the taxpayers money without providing any benefits, and prevent run of the river fishery and recreation. The Liable Parties have also been provided copies of the Dam Safety Inspection Reports and reports developed under the Superfund program to assess the maintenance and removal of the dams. It is also a well-known fact that the Allegan City Dam and the Otsego City Dam also have a very limited life span and removal is being contemplated. The Liable Parties were well aware that any cleanup strategy that depends on the dams remaining in-place is automatically eliminated from consideration as an unrealistic alternative. See attached letters dated September 14, 1999 and February 16, 2000.



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3. Prior to the Liable Parties writing the RI/FS they were also well aware that under the AOC they could not cite the their Draft Technical Memoranda 10, and 14, and the associated Addenda 1, 2, & 3 in the RI/FS. The MDEQ had rejected the Liable Parties drafts of these Technical Memoranda because they were technically inaccurate, incomplete and misleading. The MDEQ than rewrote the Technical Memoranda that the Liable Parties refused to final. Again and again the Liable Parties made the decision to not comply with the terms of the AOC. The Administrative Record clearly indicates that this is the same tactics the Liable Parties have been using with the Technical Memoranda to delay the cleanup of the site for more than 7 years.

The KRPA requests that the MDEQ takeover the writing of the RI/FS immediately and produce a technically accurate and complete RI/FS to supercedes the Liable Party's October 2001 draft. We also request that the Liable Parties be removed from the site. Their participation is the sole reason the site is not already cleaned up. These actions need to be taken immediately to avoid any further delays.

Once again the KRPA appreciates this opportunity and looks forward to hearing from you. Please advise me timely of your position. Thank you for your interest in this spectacular resource, the Kalamazoo River.

Sincerely yours,

Dayle L. Harrison
President of the Kalamazoo River
Protection Association